

### Remarks/ Arguments

In response to the Office Action mailed December 7 2004, Applicant respectfully requests that the Examiner reconsider the claims. Applicant notes with appreciation the allowability of Claims 30 and 31.

Claims 1, 3 – 8, and 26 - 31 remain.

Claims 1, 3, 5 – 8, and 26 – 28 stand rejected under 35 U.S.C. § 102(e) as being anticipated by *Hoyt et al.* (U.S. Patent 6,587,670) (hereinafter "the *Hoyt* reference"). Applicant respectfully traverses these rejections.

Anticipation rejections under 35 U.S.C. § 102(e) require identity of invention. In other words, the Examiner has the burden of identifying, *prima facie*, each and every feature of each and every claim rejected as anticipated in a single prior art reference. The Examiner has failed to meet this burden with regards to the anticipation rejections of Claims 1, 3, 5 – 8, and 26 – 28.

In contrast to the Examiner's statement starting in the last paragraph of Page 2 of the outstanding office action, the *Hoyt* reference does not teach pulse width modulation circuitry operating in response to a clock signal of a selected frequency and another clock signal having a frequency of a selected frequency divide ratio to the frequency of the clock signal, and wherein the pulse width modulation circuitry outputs a pulse width modulated signal at the selected frequency and changes operating characteristics in response to a change in the divide ratio.

Instead, the pulse width modulator of FIGURE 2 of the *Hoyt* reference only operates in response to a single divided clock signal 210 (in the analog embodiment) or 230 (in the digital embodiment), generated by the circuits of FIGURES 4 and 5. (See for example, the *Hoyt* reference, Col. 7, Lines 19 - 21). Furthermore, the system level diagram of FIGURE 2 of the *Hoyt* reference only shows the radio signal input and pulse

width encoded output of the pulse width modulator, and does not explicitly disclose a clock signal input.

Generally, the system of the *Hoyt* reference is best understood by referring to the analog embodiment of FIGURE 4; the digital embodiment of FIGURE 5 operates on similar principles. Filter 110 generates a voltage proportional to the local oscillator (LO) frequency. (*Hoyt* reference, Col 6, Lines 45 – 54). The voltage output from filter 110 is compared against reference voltages derived from points in the AM radio band. (*Hoyt* reference, Col 6, Lines 55 – 63). Logic 180 determines a divide ratio which divider circuitry 200 utilizes to generate divided LO signal 210 (*Hoyt* reference, Col 7, Lines 6 – 19). As stated above, this single clock signal controls the frequency of the Class D amplifier. (*Hoyt* reference, Col 7, Lines 19 – 21).

Given that Claims 1, 3, 5 – 8, and 26 – 28 include the feature of a pulse width modulator operating in response to a clock signal and another clock signal, while the pulse width modulator of the *Hoyt* reference only operates in response to a single clock signal, Applicant respectfully submits that the Examiner has not met his burden of proving a *prima facie* case of anticipation, and therefore that the rejections of Claims 1, 3, 5 – 8, and 26 – 28 should be withdrawn.

Claims 4 and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the *Hoyt* reference as applied to Claims 1, 3, 5 – 8, and 26 – 28. Applicant respectfully traverses these rejections on the same grounds set for above with respect to the anticipation rejections of Claims 1, 3, 5 – 8, and 26 – 28.

No new matter has been added; the claims have been merely amended to more particularly claim the subject matter Applicant believes is inventive. Applicant respectfully submits that the Claims as they now stand are patentably distinct over the art cited during the prosecution thereof.

Applicant respectfully requests a one Month Extension of Time to File this Response. Enclosed with this paper is Form PTO/SB/22 with Extension Fees in the amount of \$120.00 .

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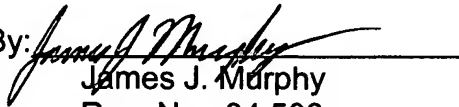
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With the addition of no new claims, no additional filing fees are due. However, the Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account Number 20-0821 of Thompson & Knight LLP.

If the Examiner has any questions or comments concerning this paper or the present application in general, the Examiner is invited to call the undersigned at (214) 969 - 1749.

Respectfully submitted,

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Date: April 1, 2005